

DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE
DEANNA SABEY, DIRECTOR
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BEFORE THE DIVISION OF REAL ESTATE OF
THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

In the Matter of the Application of
ANTHONY HARVEY WHITAKER to Act
as a Mortgage Loan Originator

ORDER ON APPLICATION

Case No. MG-11-54731

On March 28, 2011, Anthony Harvey Whitaker (Applicant) submitted to the Utah Residential Mortgage Regulatory Commission (Commission) and the Division of Real Estate (Division) a request for licensure as a mortgage loan originator. The application was reviewed in an informal proceeding to determine whether Applicant meets the licensing requirements of Utah Code § 61-2c-203 (2010). The presiding officer, on behalf of the Division and pursuant to a grant of authority from the Commission, now makes the following analysis and order.

REASONS FOR DECISION

Applicant has been assessed a federal tax lien in excess of \$23,000 due to his failure to file his taxes. To date, Applicant has taken no steps to pay off this arrearage or to work out a payment plan or an offer in compromise. In his letter of explanation, he states that he intends to approach the Internal Revenue Service after he pays off a balance owing on a car loan.

Utah Code § 61-2c-203(1) (2010) requires that the Division and Commission determine whether an applicant demonstrates financial responsibility, in addition to other qualities required

for licensure. Utah Administrative Code § R162-2c-202 requires the Division and Commission to consider an applicant's past, particularly evidence of delinquency in taxes, in evaluating his financial responsibility.

Applicant's failure to file his tax return(s) reflects negatively on his financial responsibility. His failure to take any steps to remedy the situation or pay down the arrearage further indicates a lack of responsibility. Therefore, Applicant does not meet the requirements of Section 61-2c-203(1) (2010) for unrestricted licensure. The presiding officer finds that issuing a probationary license is justified in these circumstances.

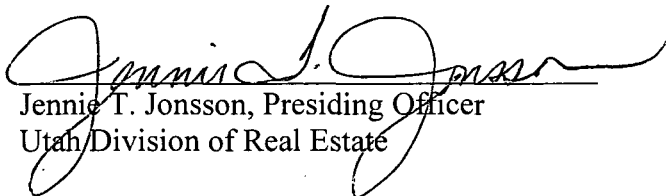
ORDER

Based on the above analysis, Anthony Harvey Whitaker's application for licensure as a mortgage loan originator is granted with restriction. The license is placed on probation until such time as Mr. Whitaker provides proof satisfactory to the Division that he has formalized an agreement with the Internal Revenue Service under which he will satisfy or otherwise discharge his delinquent tax obligations.

This order shall be effective on the signature date below.

DATED this 25th day of April, 2011.

UTAH DIVISION OF REAL ESTATE


Jennie T. Jonsson, Presiding Officer
Utah Division of Real Estate

Notice of Right to Administrative Review

Review of this order may be sought by filing a written request for administrative review with the Director of the Division of Real Estate within thirty (30) days after the issuance of this order. Any such request must comply with the requirements of Utah Code Ann. § 63G-4-301 and R151-46b-12 of the departmental rules.

CERTIFICATE OF MAILING

I hereby certify that on the 25 day of April, 2011, the undersigned mailed a true and correct copy of the foregoing document by first class mail, postage prepaid, to the following:

Anthony Harvey Whitaker
642 East 1130 North
Orem, UT 84097

Penda Christensen